

On March 4, 1942, the United States attorney for the Southern District of Indiana filed a libel against 224 cases of canned peas at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about August 5 and 16, 1941, by Clyman Canning Co. from Clyman, Wis.; and charging that it was misbranded in that the term "Fancy" appearing on the label was false and misleading as applied to said article, since it was not Fancy because the peas were too old; and in that it purported to be a food for which a definition and standard of identity had been prescribed by law, and its label failed to bear the name of the optional ingredient, i. e., "Early," "June," or "Early June." It was labeled in part: "Hoosier Poet Brand Fancy Extra Sifted Peas * * * Packed For M. O'Connor & Co. Indianapolis, Ind."

On May 4, 1942, no claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to charitable institutions.

3545. Misbranding of canned peas. U. S. v. 449 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6945. Sample No. 84541-E.)

This product was not of Fancy quality because the peas were too mature.

On February 26, 1942, the United States attorney for the Eastern District of New York filed a libel against 449 cases of canned peas at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 15, 1941, by Marshfield Canning Co. from Marshfield, Wis.; and charging that it was misbranded in that the statement "Fancy," appearing on the label, was false and misleading as applied to canned peas that were not of Fancy quality. It was labeled in part: "Progresso Brand Fancy Tender Garden Sweet Peas."

On June 3, 1942, the Uddo & Taormina Co., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

3546. Adulteration of canned spinach. U. S. v. 312 Cases of Spinach. Default decree of condemnation and destruction. (F. D. C. No. 7133. Sample No. 83719-E.)

Examination showed that this product contained insect fragments and larvae.

On April 8, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 312 cases, each containing 24 No. 2 cans, of spinach at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 26, 1941, by the Good Canning Co. from Fort Smith, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Iona Spinach Standard Quality * * * The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

On May 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3547. Adulteration of canned turnip greens. U. S. v. 32 Cases, 49 Cases, and 46 Cases of Canned Turnip Greens. Default decrees of condemnation and destruction. (F. D. C. Nos. 7111, 7163, 7348. Sample Nos. 70801-E, 70821-E, 70823-E, 70829-E.)

Examination showed that this product contained cockleburrs.

On April 1, 8, and 15, 1942, the United States attorneys for the Northern and the Middle Districts of Georgia filed libels against 81 cases each containing 24 cans of turnip greens at Atlanta, and 46 cases each containing 24 cans of turnip greens at Columbus, Ga., alleging that the article had been shipped in interstate commerce on or about December 1 and 8, 1941, and February 10, 1942, by Alabama Products Canning Co., Inc., from Roanoke, Ala.; and charging that it was adulterated in that it contained an added deleterious substance, cockleburrs, which might have rendered it injurious to health. The article was labeled in part: (Cans) "Morris Brand Turnip Greens Contents 1 Lb. 2 Oz. [or "1 Lb. 11 Oz."]."

On May 1 and 16, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3548. Adulteration of canned turnip greens. U. S. v. 150 Cases and 5 Cases of Canned Turnip Greens (and 2 other seizure actions against turnip greens). Default decrees of condemnation and destruction. (F. D. C. Nos. 7469, 7530, 7603. Sample Nos. 48681-E, 70562-E, 70580-E.)

Examination showed that this product was insect-infested.

On or about May 8 and 20 and June 4, 1942, the United States attorney for the Southern District of Florida filed libels against 150 cases each containing 6 cans